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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,901	12/18/2001	Dannie E. Martin	010547	5104
26285	7590	11/17/2003	EXAMINER	
KIRKPATRICK & LOCKHART LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222			BUI, LUAN KIM	
			ART UNIT	PAPER NUMBER
			3728	
			DATE MAILED: 11/17/2003	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/029,901	Applicant(s) MARTIN, DANNIE E.	
	Examiner Luan K Bui	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 11, 12, 17 and 18 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Sauer et al. (5,938,096; hereinafter Sauer'096). Sauer'096 discloses a holder (10) comprising a body (20) having a pocket with a pocket opening, a pocket closure (30) attached to the pocket and completely covering the pocket opening and a retainer (50) removably attaching the body to a portion of the device (Figure 1). The holder of Sauer'096 is inherently capable of receiving at least one memory component of a device.

3. Claims 1, 5, 11, 12 and 18 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Scott (5,676,242). Scott shows a holder (12, 14) comprising a body (12, 14) having a pocket with a pocket opening, a reclosable pocket closure (24, 32) attached to the pocket and completely covering the pocket opening and a retainer (34) for removably coupling the body to a portion of a user (Figures 1-2). The holder of Scott is inherently capable of receiving at least one memory component of a device. Scott further discloses the retainer comprises a clip (34) and the reclosable pocket closure is a zipper (32) or a flap (24).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Dedow (4,471,872) in view of Klaczak et al. (4,896,805; hereinafter Klaczak'805) and Racca (6,182,878). Dedow discloses a holder (50) for a removable electrostatic sensitive component/memory component of a device comprising a body formed from an antistatic material having a pocket (52) with a pocket opening, a pocket closure (70-74) including a flap attached to the pocket (Figures 5 and 7). Dedow further discloses a write-on area/identifying indicia (35) to facilitates ship-out and receiving by identifying component (24) by part number. Dedow also discloses the other claimed limitations except for a retainer for removably coupling the body to a portion of the device. Klaczak'805 shows a holder (10) for an electronic device (8) comprising a body (12-20) having a pocket therein sized to receive at least one electronic device, a pocket closure (24) including a flap with hook and loop material (40, 42) for securing the device within the pocket and a retainer (28) for removably coupling the body to a portion of a user (Figures 1-3). Racca suggests a holder (10) for an electronic device (12) comprising a body (16-22) having a pocket therein sized to receive at least one electronic device, a pocket closure (22) including a flap with hook and loop material (24, 26) for securing the device within the pocket and a retainer (40) for removably coupling the body to a portion of a user (Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Klaczak'805 and Racca to modify the holder of Dedow so the body includes a retainer for

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removably coupling the body to a portion of the device to facilitate securing the holder to a user and to facilitate removing the device from the holder.

As to claim 3, Dedow discloses the pocket is lined with an antistatic material (34).

As to claims 5-10, the holder of Dedow as modified fails to show the retainer comprises a clip or a recess engages with a protrusion or a strap-receiving loop comprises an elongate member coupled to the body. The selection of the specific retainer such as the retainer of Dedow as modified or the retainer as claimed would have been an obvious matter of design choice of art recognized equivalent retainer inasmuch as a number of different ones appear to be suitable and inasmuch as applicant's specification does not state that using these specific features as claimed solves any particular problem or yields any unexpected results.

As to claim 13, Dedow shows the holder comprises an insulating material (32) in the pocket.

Response to Arguments

Applicant's arguments with respect to all pending claims have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant argues that neither Dedow, Klaczak and Racca discloses "a pocket closure or means for selectively retaining attached to a pocket or means for supporting..." in the remarks is

noted. This is not persuasive because Dedow is clearly disclosed the pocket closure (70-74 of Figure 7) as claimed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148. Facsimile correspondence for this application should be sent to (703) 305-3580 or (703) 872-9302 for Formal papers and (703) 872-9303 for After Final communications.

lkb
November 11, 2003



Luan K. Bui
Primary Examiner